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DOCKET NO. 48939

**APPLICATION OF PLAINS
INTERNET, LLC FOR DESIGNATION
AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

NOTICE OF APPROVAL

This Notice of Approval addresses the application of Plains Internet, LLC (Plains Internet) for designation as an eligible telecommunications carrier (ETC). The Commission grants the application and designates Plains Internet as an ETC for the purpose of receiving federal universal service funding throughout a service area consisting of certain census blocks for which Plains Internet has won CAF Phase II support and as described in exhibit 2 to the amended application.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

1. Plains Internet is a domestic limited liability company registered with the Texas Secretary of State on April 23, 2015 under file number 802205392.
2. Plains Internet holds multiple wireless licenses from the Federal Communications Commission (FCC) and provides fixed wireless service.
3. Plains Internet, LLC provides high speed internet and voice-over-internet-protocol services to 3,483 residential, business, and government customers in 18 counties in Texas.

Background

4. In late 2011, the FCC established the Connect America Fund (CAF) to support the deployment of broadband and related advanced services in unserved and underserved areas of the United States.
5. Following the most recent round of FCC funding grants, in the CAF Phase II auction, Plains Internet was awarded support to provide voice and broadband services in certain census blocks in Texas.
6. The FCC's funding grants require Plains Internet to obtain designation as an ETC to serve the areas for which it will receive support.

Application

7. On December 3, 2018, Plains Internet filed the application at issue in this docket for designation as an ETC under 47 U.S.C. § 214(e)(2), as amended, and 16 Texas Administrative Code (TAC) § 26.418 to be eligible to receive federal universal service funding to assist it in providing service to certain unserved and underserved census blocks in Texas.
8. On December 21, 2018, Plains Internet filed an amended application.
9. Plains Internet's awarded census blocks were included in the amended application as exhibit 2.
10. Plains Internet will use its own or leased facilities to provide services in Texas.
11. In Order No. 3, issued on January 23, 2019, the administrative law judge (ALJ) found the application sufficient.

Notice

12. Plains Internet served a copy of the amended application to the Office of Public Utility Counsel on or about December 31, 2018.
13. Notice of the application appeared in the December 21, 2018 issue of the *Texas Register*.
14. In Order No. 3, issued on January 23, 2019, the ALJ found no notice beyond the *Texas Register* necessary.

Designation as an ETC

15. Plains Internet will offer both broadband and voice telephony services as well as access to emergency services, including 911 or E911, provided by local governments or other public safety entities to the extent such entities have implemented such services.
16. Plains Internet will offer the services using facilities it owns and leases.
17. Plains Internet commits to advertising the availability of and charges for its services through the provision of marketing advertisements using media of general distribution.
18. Plains Internet will provide Lifeline services throughout its designated service area in compliance with the requirements of 47 C.F.R. Part 54 and 16 TAC § 26.412.

19. Plains Internet commits to meeting all of the additional ETC requirements as listed in 47 C.F.R. § 54.202.

Informal Disposition

20. More than 15 days have passed since completion of the notice provided in this docket.
21. No protests or motions to intervene were filed.
22. Plains Internet and Commission Staff are the only parties to this proceeding.
23. No party requested a hearing and no hearing is necessary.
24. On February 22, 2019, Commission Staff recommended approval of Plains Internet's amended application with a compliance filing to be filed 60 days from the date the ETC designation is granted.
25. Granting Plains Internet's amended application will not be adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has jurisdiction over this docket under PURA¹ §§ 52.001, 52.002, and 56.023.
2. Plains Internet is a common carrier as defined by 47 U.S.C. § 153(11) and as required by 47 U.S.C. § 214(e)(1) and 16 TAC § 26.418 for ETC designation.
3. The notice provided in this docket complies with 16 TAC § 26.418(h)(1)(A).
4. Plains Internet's application complies with the requirements of 16 TAC § 26.418(h)(1)(B) and (C).
5. The Commission processed the application as required by PURA and Commission rules.
6. Plains Internet met all of the requirements of 16 TAC § 26.418 and 47 C.F.R. §§ 54.101, 54.201, and 54.202 to be designated as an ETC throughout the census blocks for which it won CAF Phase II support and described in exhibit 2 to the amended application.

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016.

7. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

1. The Commission designates Plains Internet as an ETC for the purpose of receiving federal universal support throughout a service area consisting of certain census blocks for which it has won CAF Phase II support and described in exhibit 2 to the amended application.
2. Within 60 days of the date of this Notice of Approval, Plains Internet must file in *Compliance Filing of Plains Internet, LLC in Accordance with Docket No. 48939 Related to Designation as an Eligible Telecommunications Carrier*, Project No. 49264, the following: (a) Lifeline tariffs that show compliance with 47 C.F.R. Part 54 Subpart E and 16 TAC § 26.412; and (b) copies of all commercial agreements or contracts that Plains Internet has with any third-party provider for the provision of 911 and directory assistance services.
3. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Signed at Austin, Texas the 27th day of February 2019.

PUBLIC UTILITY COMMISSION OF TEXAS


HUNTER BURKHALTER
ADMINISTRATIVE LAW JUDGE